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ABSTRACT

The purpose of this research paper is to look at the definition of academic freedom and how it has evolved over time. Canada's definition of academic freedom grew out of the influences of Britain, Germany, and the United States. The paper begins with a historic look at these three sources. It then focuses on the Canadian definition of academic freedom in relation to Canadian history. Important academic freedom cases are described, and their influences on the definition of academic freedom are discussed. An overview of current trends, including tenure, unions, political correctness, private funding, and accountability mandates, threatening academic freedom are discussed. History has revealed that the concept of academic freedom has been modified and refined as it journeyed through each generation. Each generation has fought for different pieces of the academic freedom puzzle, from religious freedom, to political freedom, to cultural freedom, and it is only by looking back over history one can finally understand what academic freedom truly defends. The fight for academic freedom has been waged so that all academics could enjoy freedom to pursue their research and teaching free from public sanctions. (Contains 34 references.) (Author/SLD)

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Honouring the History of Academic Freedom: An Investigation into the Evolution of the Canadian and American Definitions of Academic Freedom

Abstract

The purpose of this research paper is to look at the definition of academic freedom and how it has evolved over time. Canada's definition of academic freedom grew out of the influences of Britain, Germany, and the United States. This paper will begin with a historic look at these three sources. Next, it will focus on the Canadian definition of academic freedom in relation to Canadian history. Important academic freedom cases will be included, and their influence on the definition of academic freedom will be discussed. Finally, an overview of current threats—tenure, unions, political correctness, private funding, and accountability mandates—threatening academic freedom will be addressed.

History has revealed that the concept of academic freedom is modified and refined as it journeys through each generation. Each generation fights for different pieces of the academic freedom puzzle, from religious freedom, to political freedom, to cultural freedom, and it is only by looking back over history that we can finally understand what academic freedom truly defends. Academic freedom was fought, and won, so all academics could enjoy freedom to pursue their research and teaching free from public sanctions.

Introduction

There is an explosion of threats on academic freedom, and in order to understand the magnitude of these current threats, an awareness of the history of academic freedom is necessary. Canada's academic freedom history contains many important lessons about which both the public and academia need to become aware, so to prevent the hysteria, frenzy, and confusion that erupted in the past. The definition of academic freedom is vague and lends itself to re-interpretation when new academic freedom issues arise. This re-interpretation has happened for hundreds of years, and when the Canadian Association of University Teachers' (CAUT) officially defined academic freedom in Canada, they continued the tradition of vagueness. Thus, Canadian academic freedom cases and threats to academic freedom will continue to redefine the limits of academic freedom. If academics and others do not understand the history and importance of academic freedom, then there is little likelihood that they will be able to withstand the current forces that threaten to abolish academic freedom in Canada.

Purpose

The purpose of this research paper is not to debate the validity or usefulness of academic freedom. Instead, the purpose is to look at the definition of academic freedom and how it has evolved over time. Canada's definition of academic freedom grew out of the influences Britain, Germany, and the United States. This paper will begin with a look at these three sources. Next, it will focus on the Canadian definition of academic freedom, with a particular emphasis on the different generations since the beginning of the twentieth century. Important academic freedom cases, and their influence on the definition of academic freedom, will be noted.

No discussion of academic freedom would be complete without a discussion on the influence of the tenure system on academic freedom. The influence of unionization and faculty associations on the definition of academic freedom will be discussed next. Finally, an overview of the current issues threatening academic freedom will be addressed.

Britain

British universities have existed since the Middle Ages when academic freedom was questionable. Belief in the religious doctrine was so complete that any scholastic findings in theology or philosophy that appeared to contradict or compete with the truth of the Church were censored or rejected. The search for truth in the early British universities was limited to the search for truth within the confines of the religious doctrine (Hofstadter, 1964).

Hofstadter (1964) explains that the British institutions were highly regarded by society, with much power, prestige, and protection being granted. These privileges were granted because

learning was highly valued and universities were looked to for answers to society's questions. The focus of Oxford and Cambridge was to produce "an English gentleman, a moral and social rather than an intellectual type" (Flexner, 1930, p. 204), in a theological and philosophical academic setting. British universities maintained their high regard in large part due to the loyalty of former masters and students who were now in positions of power in the Church and State. This loyalty came, not only from their having personal knowledge of their university, but also from loyalty oaths that scholars were instructed to sign (Hofstadter, 1964).

The British university system instituted academic self-government that allowed academics autonomy, individuality, and freedom within the prescribed religious doctrine. "Academic freedom and religious freedom have one root in common...neither can flourish in a community that has no respect for human individuality" (Hofstadter, 1964, p. 62). Self-government refers to the autonomous nature of the university's faculties (or gilds) in relation to the Church or State. Academic scholars governed themselves, with faculty electing their own officials, determining their teaching mandate, and securing independence and academic freedom. While British university life was certainly not free from freedom battles, the importance of the university as a cohesive and fundamental societal unit helped to ensure that battles never ended the university's existence. The Church and State strongly believed that universities were important to society and honoured the tradition of academic self-government (Hofstadter, 1964).

Intellectual elites also maintained a tradition of free speech that allowed British scholars to have freedom in their teaching and studying. While self-government promoted Church and State autonomy, free speech ensured that scholars could express views that somewhat opposed the Church or State (Horn, 1999). Thus, Britain's definition of academic freedom stemmed from academic free speech and professorial self-government traditions. The British university system influenced the first American and Canadian universities and their definitions of academic freedom.

Germany

Although German universities had existed since the Middle Ages, at the end of the nineteenth century they radically changed their focus and their mandate. "Never before or since have ancient institutions been so completely remodeled to accord with an idea" (Flexner, 1930, p. 276). The idea was science and the embrace of science led Germany to coin the phrase "academic freedom" or "Die Akademische Freiheit" for academics (Birley, 1972, p. 3).

German universities, beginning in the nineteenth century, were research-based as opposed to Britain's teaching-based universities. The German concept of academic freedom was determined in large part by the ideas of Alexander von Humboldt. His ideas centered around two fundamental concepts: *Lehrfreiheit* and *Lernfreiheit*. *Lehrfreiheit* refers to the freedom to publish

and teach. Max Weber, in a 1909 conference, argued that "freedom of science, scholarship, and teaching, in a university certainly does not exist where appointment to a teaching post is made dependent on the possession—or stimulation—of a point of view which is 'acceptable in the highest circles' of church and state" (as translated by Shils, 1973, p. 19). German academics were granted freedom to research and teach matters that could potentially contradict the point of view or the Church or State. *Lernfreiheit* refers to the freedom to learn. This *Lernfreiheit* was for both academic staff and students, with the understanding that administrative control should not influence learning (Horn, 1999).

It was in these research-based German universities that the search for truth became fundamental. Scholars would seek truth, then they would teach this truth to students, who would eventually become scholars, who would continue seeking truth (Fuchs, 1963). The University of Berlin's Professor Freidrich Paulsen (1902), in his book The German Universities and University Study, noted the new German definition of academic freedom:

> [Academic Freedom no longer included] the function of the university teacher to hand down a body of truth established by authorities, but to search after scientific knowledge by investigation, and to teach his hearers to do the same... For the academic teacher and his hearers there can be no prescribed and no proscribed thoughts. There is only one rule for instruction: to justify the truth of one's teaching by reason and the facts. (as cited in Fuchs, 1963, p. 249)

Paulsen (1902) further states the restrictions of academic freedom. Whereas the professors of philosophy were "free" in their search for truth, professors in theology "must assume a positive relation to religion and the church in general," and those professors in political and social science must assume a positive relation to "the people and the state" (as cited in Fuchs, 1963, p. 249).

German university professors were civil servants and, as members of the State "ought to accept a special code of behavior" regarding political activities (Birley, 1972, p. 5). According to Hofstadter and Metzger, "it was not generally assumed that Lehrfreiheit condoned or protected [political] activities...It was generally assumed that professors as civil servants were bound to be circumspect and loyal, and that participation in partisan politics spoiled the habits of scholarship" (as cited in Horn, 1999, p. 8). Paulsen (1902) indicated that political activity was grounds for academic disqualification because "the German universities dwell in their own world, outside of politics, and their highest achievements are in science...[and as] the representatives of science, should not engage in politics, but should reflect upon the state and the law" (as cited in Fuchs, 1963, p. 250). Birley (1972) proposed that academic political behavior was restricted in Germany because "any participation in political affairs involved [professors] compromising their personal

dedication to the search for truth and the pursuit of learning" (p. 5). Regardless of the reason for political restriction, German professors were only granted academic freedom within the university.

The "Humboldtian" concept of academic freedom, freedom to learn and freedom to teach, now forms the basis of the American and Canadian definitions of academic freedom.

United States

The introduction of colleges and universities into American society began in the 1600s. The nature and focus of these early American colleges, as well as the concept of academic freedom, differs quite radically from the modern American universities.

The Early Years

Hofstadter (1964) describes these early years of the college and the evolution of American academic freedom. New England Puritans came to America because England could not, or would not, accept their religious principles. They came to America to prove a point to England: that their religious beliefs and church policies were sound and that they could create a prosperous academic community. The Puritans founded Harvard, the first American university, in 1636, and cultivated a culture of respect for learning and high scholarship standards. Training of clergy was not explicitly stated in Harvard's first charter; instead, the charter focused on the responsibility of providing a liberal education and an understanding of religion (Hofstadter, 1964).

The American difference

By the middle of the eighteenth century, the American higher education system had become distinct from Britain in three important ways. First, American universities had private denominational sponsorship and a moderate amount of state supervision. Second, American "universities" were considered colleges by English standards. The American colleges were small, scattered, and numerous, as opposed to the English universities which were large, central, and limited. Thirdly, American colleges were the first to introduce lay government (Hofstadter, 1964).

Hofstadter (1964) argued that although the early American colleges probably intended to emulate the English governance system, it did not occur. The shift to lay government derived from three conditions. First, American colleges lacked the traditions and medieval history of English universities. Second, American colleges were small and financially constrained, as opposed to the long-established English universities. During the financial "nursing period" of American colleges, lay boards assumed great power and refused to release control. Finally, whereas English universities had a mature body of teaching professionals to draw from, American colleges were forced to draw from a small pool of young teaching amateurs (Hofstadter, 1964).

From these conditions, the concept of lay government developed. Lay government is university governance by non-faculty members. Non-faculty members created boards of governors

that were granted authority to solve the college's major financial problems (Tudiver, 1999). American college presidents came to hold much power, as they were the only faculty members who could legitimately battle the board (Hofstadter, 1964).

Academic freedom in the early years

The concept of academic freedom, as it existed in Germany, did not exist in early America. Initially, the American concept of academic freedom mimicked Britain's concept. Metzger (1955) noted that early American colleges held two basic assumptions regarding knowledge: first, "that character was a function of belief," and second, "that an idea was warranted and verified by proof of its moral advantages" (as cited in Menand, 1996, p. 14). Fuchs (1963) details the struggle involved in achieving the modern American definition of academic freedom:

> The present conception of academic freedom did not...spring full blown from the soil in which higher education grew...It evolved, rather, along with specific protections to academic freedom, from the organizational forms and educational policies that arose in colleges and universities, and from struggles over recurring infringements of freedom or tenure, which sometimes took the form of faculty dismissals. (p. 252)

Many of these early freedom cases were the result of a public outcry over a scholar's moral actions, religious beliefs, or political and economic views (Fuchs, 1963).

Henry Dunster's case led the list of early American freedom cases. In June 1654, Harvard's first president, Henry Dunster, played the prominent role in a case "bear[ing] only the remotest resemblance to a modern academic freedom case ...was the first instance...in which a college official's tenure...was broken by a conflict between his personal beliefs and the established opinion of the community" (Hofstadter, 1964, p. 86).

The General Court had insinuated Dunster's incompetence after he had appealed for more funds for Harvard. Dunster countered with a letter containing many grievances since becoming president, and, during this same time, refused to have his fourth child baptized. While the grievances merely annoyed The General Court, the refusal of baptism outraged it. The court declared that colleges or universities should refuse to maintain officers or teachers, "that have manifested themselves unsound in the fayth, or scandelous in theire lives, and not giving due satisfaction according to the rules of Christ" (Hofstadter, 1964, p. 89). Dunster was allowed to remain President only if he could remain silent on his "inappropriate" religious beliefs. Dunster refused and resigned from his position (Hofstadter, 1964).

Curiously, the author of this report finds the nature of this case to be like the early religious freedom cases in Britain. Although the Puritans tried to create a better academic system in America, they appeared to succeed only in shifting the dominant religion, while maintaining the same strict, oppressive adherence to their own narrowly defined religious doctrine.

The Cooper case was another important freedom case. According to Hofstadter (1964), the Cooper case provided one of "the most articulate and advanced rationale for academic freedom to be expressed by any American in that period" (p. 263). Cooper became President of South Carolina College in 1820. Hofstadter (1964) recounts that Cooper had been dedicated to the principle of freedom of discussion and to the emerging Jeffersonian party. In 1830, Cooper published two anonymous pamphlets attacking the College's clergy and the principles of Calvinism. A pamphlet war began and the legislature finally declared that Cooper could no longer hold his position, having violated the religious doctrine and hurt the college (Hofstadter, 1964).

Cooper argued that the State constitution guaranteed "the freedom of the press, and the freedom of religious belief and profession without discrimination or preference" (The Case of Thomas Cooper, as cited in Hofstadter, 1964, p. 266). He also highlighted historical references for religious freedom and contended that the college's mandate was to teach general education, not sectarian theology. Cooper strongly believed that professors had an obligation to search and disseminate truth and that students expected this environment. Hofstadter (1964) argues that this belief bears resemblance to modern definitions of academic freedom. Cooper retained his position in the college and claimed a victory for early American academic freedom (Hofstadter, 1964).

The Introduction of Research Universities

The concept of academic freedom in the United States radically changed with the introduction of German research-based universities and their dedication to the search for scientific truth. As described above, the "Humbolditian" concept of academic freedom involved two concepts: the freedom to teach (*Lernfreiheit*) and the freedom to learn (*Lehrfreiheit*).

Although the American colleges embraced the new German university model, they did not embrace the full concept of *Lehrfreiheit* and academic freedom. According to Jones (1959), the reason is four-fold. First, in America, the school, including the colleges and universities, was forced to accept parietal responsibility for their students, a responsibility that did not exist in Germany. Second, American schools sought active involvement of its students' parents in many aspects of school life. Third, American students were not prepared to handle the full responsibility of learning. Finally, American college teachers conducted both undergraduate and graduate classes, and compromised the level of knowledge "allowed" in each class. From these reasons, the full concept of *Lehrfreiheit* was not adopted in the United States (Jones, 1959).

Johns Hopkins University was the first American university to adopt the "Humbolditian" notion of academia and academic freedom. Scholars who had studied in Germany founded Johns Hopkins in 1876. As in Germany, the scholars' needs were considered the most important aspect of the new academic institution. Even with this focus, there were restrictions on the professors' freedom to teach (*Lernfreiheit*). American professors were expected to appear more neutral on

political matters, both inside and outside the university. As noted already, German professors were allowed far greater political latitude within the walls of the university (Horn, 1999).

Professor Ely's Academic Freedom Case

Professor Richard Ely is considered by some to be "the most prolific and widely known academic of the late nineteenth century" (Schrecker, 1986, p. 15). In 1894, the Board of Regents of the University of Wisconsin dismissed Ely on the grounds of being guilty of "socialistic fantasy" (Birley, 1972, p. 10). The Regents accused Ely of supporting strikes and of housing a union organizer. Ely tried to fight these charges but he failed. Eventually, Ely was reinstated, but he had to agree to censure his political beliefs and to restrict his academic actions (Schrecker, 1986). Although the outcome of this case was not positive, Ely must be honoured for having battled the oppressive definition of academic freedom in early America.

The AAUP

Before 1915, there was no governing agency that defended professorial freedom in the United States (or Canada). In 1913, the dismissal of a Lafayette College professor led to an investigation by the American philosophical and psychological associations. The dismissive manner of the President when questioned by the committee drew criticism and, in the report, the committee issued this statement, "[His] attitude...does not seem to this committee one which can with propriety be maintained by the officers of any college or university" (as cited in Horn, 1999, p. 10). The lack of power this committee had in enforcing its recommendations "cannot have escaped their notice" and set the stage for an emerging governing body (Horn, 1999, p. 10).

In 1915, the American Association of University Professors (AAUP) was founded. Many founding members had been involved in academic freedom cases in the late nineteenth and early twentieth century, including the case at Lafayette College. The AAUP's mission was to develop professional standards for American academics (Metzger, as cited in Schrecker, 1986, p. 17).

The AAUP quickly issued its first report on academic freedom, the "General Report of the Committee on Academic Freedom and Tenure." In this document, the AAUP took the following stance on the role of the American professor:

> The responsibility of the university teacher is primarily to the public itself, and to the judgment of his own profession; and while, with respect to certain external conditions of his vocation, he accepts a responsibility to the authorities of the institution in which he serves, in the essentials of his professional activity his duty is to the wider public to which the institution itself is morally amenable. (as cited in Horn, 1999, p. 13)

In addition, the committee argued that activity within the university should be autonomous and free. The AAUP "grounded its justification of academic freedom on society's need for specialized, objective knowledge" (Slaughter, 1980, p. 49). The report also shows "how deeply emeshed the

notion of academic freedom was with the overall status, security, and prestige of the academic profession. Not surprisingly, eight of the thirteen members on the committee had studied in German universities and were committed to the search for truth above all else" (Horn, 1999, p. 11).

As noted in the report, the definition of academic freedom was restricted: "[It was] not the absolute freedom of utterance of the individual scholar, but the absolute freedom of thought, of inquiry, of discussion and of teaching" (as cited in Horn, 1999, p. 11). Metzger (1969) states that "by the lights of 1915, [the AAUP defined] a violation of academic freedom was a crime designed and executed within the confines of the university...[it] lacked a theory and vocabulary for dealing with the outside offender and the nonoccupational offense" of academic freedom (pp. 2-3). The committee could not decide a position regarding political activity, so it left this position "open," to be defined when future cases arose. These "open," vague positions created an environment where the definition of academic freedom could be modified with every new case (Horn, 1999).

The report also outlined procedures for dealing with academic freedom cases and insisted that faculty members should participate in the procedures. The report also detailed the grounds for removing a professor, the need for just cause, and the right for a fair trial (Horn, 1999).

As Schrecker (1986) observes, the definitions and procedures detailed in the General Report "were largely of symbolic importance, for the academic profession was too fragmented, too economically insecure, and thus too worried about its public standing to let the AAUP do more than issue statements" (p. 19). In the early years, the AAUP limited its mandate to creating general principles of academic freedom, and resisted the pull of individual academics that were found involved in freedom cases (Report of Committee A, as cited in Schrecker, 1986, p. 19).

The first AAUP investigation

The AAUP's first academic freedom case occurred months after it was founded. Schrecker (1986) details this case, and the highlights are noted. The case involved Scott Nearing, a professor at the University of Pennsylvania. Nearing was an excellent teacher, but his radical, socialist views overshadowed his superior teaching, and the Board refused to reappoint him. Although the faculty did not share Nearing's political views, they were furious with the Board's refusal to reappoint him.

The AAUP began investigations two weeks into the case, and determined that the "the decision not to retain Dr. Nearing was made...by the criticisms of him, and the antagonistic attitude towards him, of persons...who knew him only by his public utterances" (The American Association of University Professors, 1916, p. 154). As Schrecker (1986) recounts "public opinion, rather than academic consideration had caused Nearing's removal, as well as the lack of any peer review or judicial procedure" (p. 20). These findings led the AAUP committee to declare that the "action of the Board of Trustees, in relation to Dr. Nearing, constituted an infringement of freedom of teaching" (The American Association of University Professors, 1916, p. 154).

> The Nearing case forced the AAUP to admit its full mandate:
>
> Its policy was to focus its activities on defending the principle of academic freedom...[but], by defending principles instead of people, the AAUP as much as announced that professors who indulged in radical politics did so at their own risk and could expect little or no corporate support from their peers. (Schrecker, 1980, p. 29)

Although the AAUP helped officially define academic freedom in America, its declaration not to support those charged with violating academic freedom would later affect many academics.

World War I

The American definition of academic freedom was again modified during the Word War I era. The war aroused Americans in one fight against German and Soviet agents, and universities sought to purge such enemies from their campuses. Although the number of German and Soviet agents was low in academia, there were a number of professors who held unpopular war beliefs. Universities contributed to the war hysteria by continually infringing on the pre-WWI definition of professorial academic freedom (Schrecker, 1986).

An AAUP report, titled "Academic Freedom in Wartime", detailed the insecurities faced by academics. Lovejoy, the author, outlined many of the professorial freedom restrictions in light of WWI. Participating in anti-war activities, counseling draft resisters, and discouraging people from aiding the government were beyond the protection of academic freedom. Metzger notes how Lovejoy's report went so far as to detail how professors of German or Austrian descent should "refrain from public discussion of the war; and in their private intercourse with neighbors, colleagues and students...avoid all hostile or offensive expressions concerning the United States or its government" (as cited in Schrecker, 1986, p. 21). This recommendation was issued so these professors could avoid public suspicion of their personal activities (Schrecker, 1986).

The AAUP officially responded to this war hysteria by "vigorously supporting the war effort and abandoning commitment to freedom of inquiry and expression" (Slaughter, 1980, p. 52). The AAUP modified its definition of academic freedom to include a "loyalty" requirement for academics. The AAUP hoped this modification would reassure the American public that professors could still enjoy academic freedom because they had officially pledged loyalty to the United States (Schrecker, 1986).

The wartime hysteria and political limitations to academic freedom were not limited to the World War I era. The same societal pressures erupted during the Second World War and political academic freedom was once again limited.

Communism in the 1930s

While WWI saw a loyalty requirement added to the definition of academic freedom, the 1930s saw other modifications. In the United States, the 1930s presented three important events:

the Depression, the rise of Hitler, and the emergence of Communism. Schrecker (1986) conducted extensive research on Communist Party (CP) members and their effects on academia. According to Schrecker, Hitler and the Depression did not *cause* the CP, they only created a fear in Americans, and many tried to control this fear by embracing the ideals of the CP. Schrecker interviewed 70 former members of the Communist Party and, from all recounts, the CP members kept their political persuasions out of the classroom. In fact, many prided themselves on neutrally presenting material, seeing themselves first as scholars and then as CP members (Schrecker, 1986). Unfortunately, America was not able to maintain an objective view of CP members.

The American universities were initially quite open to the activities of CP academics. There were some limits to their activities, but in relation to the following decade, the universities were fairly resistant to society's demand to purge the institutions of CP members (Schrecker, 1986).

Communism in the 1940s

Although CP members were tolerated in the 1930s, Schrecker (1986) details how the signing of the Nazi-Soviet Pact in 1939 severed the last threads of toleration. CP membership was tolerated when it was limited to the "common struggle," but when the scope changed to supporting Nazism, the result was American hysteria (Schrecker, 1986, p. 70). University boards began looking for ways to eliminate CP members without violating academic freedom. They determined that teachers in the CP were unfit to teach, citing the popular notion that the CP was a conspiracy, not a legitimate political party, with the goal of overthrowing the American government (Schrecker, 1986). University boards simply discovered a loophole in the definition of academic freedom. As long as they could collectively agree that an activity or person was "unfit to teach", they could dismiss people with "just cause" and not infringe on academic freedom.

Harry N. Wright, acting president of City College, in a New York Investigating Committee Inquiry, contributed to the hysteria when he declared that:

> [CP membership was] fundamentally impossible of amalgamation in a democratic society, first on the basis of its underground character...second on the basis of its outside control, its party line control, and third, on the basis of its having discarded the ethical system by which we all live or try to live. (as cited in Schrecker, 1986, p. 74)

Wright would later undertake one of the largest CP purges in American colleges (Schrecker, 1986).

In the early 1940s, anti-communism legislation was passed, investigative committees were enacted, and trials of CP members were held. The Rapp-Coudert committee, founded in New York, held trials for alleged CP members. The Board of Higher Education in New York declared, amidst the trials, that it would not "retain as members of the collegiate staffs members of any Communist, Fascist, or Nazi group" (Schrecker interviews, as cited in Schrecker, 1986, p. 80).

The Rapp-Coudert committee could only name CP members in the colleges and universities; the Board of Higher Education had to fire them. Although the Board initially resisted, it eventually dismissed the professors because their "conduct [was] unbecoming a member of the staff" by way of being associated with the Communist Party (Schrecker, 1986, p. 81). The Board stated that the dismissed academics were not only CP members, but also dishonest academics, having lied to the Rapp-Coudert committee about not being CP members. The Board declared this perjury was "a violation of the academic duty" (Schrecker, 1986, p. 81). The logic used by the Board bears an eerie resemblance to the Salem witch-hunts.

In 1940, the AAUP modified its official definition of academic freedom. Freedom would still be protected within the university and within the classroom, "but [it] did not extend to intercourse with the general public in the political arena" (Slaughter, 1980, p. 57). According to Slaughter (1980), this modification exempted the AAUP from protecting academic communists: "when the Rapp-Courdet Committee hearings [were held]...in 1941...the AAUP was not forced to take a definitive position even though 69 faculty members...were called before the tribunal" (p. 57).

The 1930s and 1940s were times of political academic freedom struggle in American universities. Although adherence to the basic principle was upheld, it became clear that Boards had great latitude in identifying "unbecoming conduct" of an academic. This latitude infringed the notion that academics were free to pursue truth, no matter what society valued. The traditional notion of academic freedom, the freedom to teach and learn, was becoming more "Americanized" with every modification.

McCarthyism and Academic Freedom

As soon as the United States returned home from World War II, it resumed fighting against CP members in America. This internal war was fought with loyalty-security programs enacted by President Truman in 1947. Communism had become the focus of the national government. Senator Joseph McCarthy, for which the McCarthy era was named, did not even enter the picture until January 1950 when he began making allegations of CP members within the Truman government. McCarthy was "uniquely pathological" according to Schrecker (1986), which made it hard for many to remember he was voicing the same opinions as many other right-wing politicians.

Two important academic freedom cases occurred during the McCarthy era. The first involved the University of Washington and the second involved the University of California. The University of Washington dismissed three tenured professors, two simply because they were CP members. The event began with the Canwell Committee investigating the University of Washington faculty and subpoenaing six alleged CP members. Raymond Allen, the University President, advocated the dismissal of three professors without a faculty hearing. Allen met with the local and national AAUP chapters trying to create support for the CP subpoenas and subsequent firings. He

appeared successful when the local AAUP chapter publicly approved of Allen's dismissals (Schrecker, 1986).

While approval of the dismissals seemed to violate every notion of academic freedom, prominent academics, including Allen and Lovejoy, "presented themselves as defenders of academic freedom" (Schrecker, 1986, p. 105). According to Schrecker, "by redefining academic freedom to require the exclusion of Communists from the academy and explaining that necessity in professional ...terms, they were hoping to keep outsiders at bay" (p. 105). Lovejoy was quoted stating that "the academy would be collaborating in the 'legitimacy and inevitability of its own suicide' if it let Communists continued to teach" (as cited in Schrecker, 1986, p. 106). The greatest charge against CP members "was that they lied or concealed their membership in the CP," a charge that had already allowed the firing of many academics during the Rapp-Coudert investigations (Schrecker, 1986, p. 109). Public hysteria was allowed to influence and redefine academic freedom.

The Washington case was so public that many academics from around the country sought help from the national AAUP. The national AAUP agreed to investigate, but never made any trip to Washington, relying solely on transcript information to understand the case. These actions were radically different than the "normal" academic freedom investigation procedures. While the AAUP officially declared that "Communism didn't automatically disqualify a teacher" (Schrecker, 1986, p. 109), it did nothing to protect alleged CP members. As suddenly as the AAUP investigation began, it stopped. Eighteen months later, the AAUP had still not produced a report. In fact, it took the AAUP *seven years* to produce its final report, releasing it after the conclusion of the University of California case (Schrecker, 1986).

The University of California (U of C) case, in 1950, was fundamental because the dismissed academics were not Communists, but academics taking a stand on a freedom issue. "Faculty members...were dismissed for their refusal to take a Regent-imposed disclaimer oath in regard to past or present Party membership" (Slaughter, 1980, p. 58). The loyalty oath was quickly renamed the "Sign-or-Get-Out Ultimatum" (Schrecker, 1986, p. 119). The dismissed faculty members went public in their stance against the oaths declaring it infringed on their academic freedom. The AAUP became involved and, within a few months, a report was drafted. The publishing of this report was stalled until January 1952, when the report "mysteriously disappeared," and did not resurface until 1956 (Schrecker, 1986, p. 324).

During the dismissal of the non-signers at the U of C, Governor Warren introduced a modified loyalty oath. In 1952, the California Supreme Court decided that the Governor's oath superseded the original loyalty oath at the University of California, and therefore declared that *if* the non-signers agreed to sign the Governor's oath, then they would be reinstated. The absurdity of

this ruling is not lost on the author of this report. If the non-signers would not sign the first loyalty oath, why would they sign the second? Many did sign the second oath, but a few refused, and remained true to the cause of protecting academic freedom. In 1956, the missing AAUP reports "magically" reappeared (Schrecker, 1986).

In 1955, Ralph Fuchs had become the new AAUP leader and began working immediately on the missing Washington and California case reports. He successfully published the reports in 1956, as noted above. The content of Fuch's report mimicked the general AAUP principles and contained nothing new or groundbreaking. The AAUP finally censured the most serious infringers of academic freedom, including the University of California. Unfortunately, the AAUP censures were no longer considered threats or punishments to universities (Schrecker, 1986). It seemed that years of inactivity and disappointments had caused the AAUP's future ineffectiveness in protecting academic freedom.

What had happened to the AAUP? Why did they not defend academic freedom during the increasingly paranoid McCarthy era? Although the AAUP officially took the position that "as long as the Communist Party was legal, membership 'in and of itself' should not exclude someone from the academic profession" (Schrecker, 1986, p. 119), it failed to actively protect those accused of being a CP member or those who supported the right not to sign a loyalty oath.

Schrecker (1986) speculates the following reasons why the AAUP was ineffective during the McCarthy period. First, the stall of the Washington report might have delayed all future investigations. Secondly, an unmanageable volume of academic freedom cases flooded the AAUP office, rendering inefficiency. Thirdly, the AAUP might have misunderstood or ignored how its inactivity and political caution perpetuated the CP hysteria. Finally, the former AAUP leader alleged that the national office had financial constraints; however, Schrecker argues that it was Fuch's inability to delegate responsibility that perpetuated an inefficient and ineffective AAUP.

Schrecker (1986) observes that the "association's failure to act encouraged university administrations to disregard its [academic freedom] principles" (p. 331). Inertia, lack of accountability, and delays characterized the AAUP during the McCarthy era. "There were at least 77 dismissals between 1949 and 1955...and almost all firings were the result of professors alleged participation in politics" (Slaughter, 1980, p. 58). In every conceivable way, the AAUP had let down the academic community during the McCarthy era.

Canada

Britain, Germany, and the United States all had specific influences on the Canadian university system and the Canadian concept of academic freedom. This report will now turn to the history of academic freedom in Canada. Horn (1999) reports that Canadian academics held social,

political, and academic beliefs that were genteel. This, coupled with many geographic regions, dual official languages, fewer professors, and fewer senior academics (than the United States, Germany, or Britain), fostered a timid and cautious academic culture in Canada (Horn, 1999). This report will investigate academic freedom cases that occurred in Canada and that helped shape a unique Canadian definition of academic freedom.

Academic Freedom Before World War I

Horn (1999) explains that British tradition was a far greater influence in Canadian universities before World War I. Tudiver (1999) states that "Canadian universities descend from a system of small secular and ecclesiastical institutions emphasizing classical education in liberal arts and pure science " (p. 13). Canada's earliest universities duplicated the values and traditions of British universities like Oxford and Cambridge. The focus for these early Canadian universities was to train clergy and to provide a general education to the next generation of Canadian leaders. Like Britain, Canada's definition of academic freedom initially focused on the concepts of self-government and academic free speech (Horn, 1999).

Two pre-World War I academic freedom cases must be highlighted. The first involved a familial battle between George Weir and James George, two professors at the College of Medicine. This battle eventually led to James George's resignation, but the dispute did not end. Weir was determined to punish George, and this determination eventually led the trustees to warn Weir that he was letting his emotions cloud his academic judgment (Horn, 1999).

Weir used the senate to draft statutes stressing academic self-governance in the college. The Principal of the College retaliated by drafting his own statutes that entrenched trustee power and reduced the professor's role to a mere employee. The Principal's statutes were adopted and no amendments were made, even when faculty fought back. Weir was blamed for the resulting faculty unrest and was dismissed. Although Weir was never reinstated, his vision of self-governance influenced and inspired generations of faculty and students (Horn, 1999).

The second case occurred in 1895 and involved William Dale, a professor at the University of Toronto. As Horn (1999) describes, the scene was set before Dale even became involved. The Ontario government controlled funding and professorial appointments at the U of T. The combination of poor funding and questionable appointments led the student newspaper to run articles on the inadequate teaching at the university. The dismissal of the paper's editor, James Tucker, brought Dale to the scene (Horn, 1999).

Dale issued a letter to the press condemning the teaching functions of the University. He argued that the mediocracy infiltrating the university would eventually cause its demise. This letter led to Dale's dismissal. Nearly everyone—the public, the government, and the academics—agreed that Dale's dismissal did not infringe academic freedom. Students were the only group that did not

agree and they led the first student strike in Canadian history. Unfortunately, Dale's reinstatement did not follow (Horn, 1999).

Dale's case indicates the limitation of Canadian academic freedom in the late nineteenth century. Academic free speech included religious academic freedom, but did not include the freedom to criticize university's activities. Horn (1999) ends his investigation of this case with the following questions: "is candid criticism of the teaching abilities or scholarly attainments of one's colleagues an exercise of academic freedom or is it an infringement on professional ethic? Which ranks higher—one's obligation to one's colleagues or one's students?" (p. 23). The irony that the academic profession is still debating the notion of mediocracy in universities did not escape the author of this report. Years later, the questions raised from Dale's case are still being asked today.

The complacent and genteel Canadian academic culture made the vision and gumption of those that chose to defy authority even more inspiring. The academics involved in pre-World War I academic freedom cases showed the initiative of the few, to protect the freedom for the masses. These heroes helped shape the definition of academic freedom in Canada.

Science, Lay Boards, America, and Autonomy

The arrival of science transformed the Canadian university and the Canadian definition of academic freedom. Cameron (1996) states that Canada accepted science because of "the growing perception in business and governmental quarters that science was behind the apparent success of German industrial progress and that science held the key to similar progress elsewhere" (p. 2). Canadian universities quickly began to transform into the German/American version of universities.

While trustees and governments in Canada overwhelmingly held institutional power before the arrival of science, soon afterward, a new power system developed, reflecting the American system of lay boards. In 1906, the Flavelle Royal Commission recommended that the University of Toronto (U of T) adopt a bicameral system of governance, "a lay board of governors for financial matters and an academic senate for educational issues" (Tudiver, 1999, p. 30). The University President would be the only academic member allowed on the board. These recommendations were legislated in 1906 and institutional autonomy was born at the U of T. Many other Canadian universities soon adopted their own lay governments (Horn, 1999, and Cameron, 1996).

In 1916, the National Research Council was established with a mandate to promote industrial research. Universities were its immediate focus, with monies for research being awarded to professors and students. With the full adoption of science, autonomy, research, and the search for truth, "the debate over academic freedom truly launched in Canada" (Cameron, 1996, p. 3).

World War I

Academic freedom was not as hotly debated in Canada as in the States during the war years. Horn (1999) eloquently states that "tolerance may not have been higher north of the border,

but Canadian academics were readier to toe the line" (p. 41). However, there were some academic freedom incidents during this generation and, from them, Canadian academics learned that institutional autonomy did not necessarily equal academic freedom within the university.

Horn (1999) depicts two important WWI cases. The first case involves three German professors at the University of Toronto (U of T). These professors were in an increasingly hostile environment when Germany invaded Belgium and propaganda centering on German actions heightened. Sir Robert Falconer, President of the U of T, declared that there were no legitimate grounds for dismissing the German professors and, even when both Canadian society and academia attacked Falconer, he maintained this position.

The Board realized they could not dismiss any faculty without the President's consent and approached the "problem" a different way. They moved that Falconer *ask* the three professors to resign. Falconer replied that, "No professor ..should be asked to resign without cause or for reasons irrelevant to the university's purpose" (Horn, 1999, p. 43). The board disagreed.

In the end, the German professors left the U of T, not because Falconer changed his mind, but because the environment was so hostile. The support of a university president on the issue of academic freedom was a triumph for academic faculty and academic freedom (Horn, 1999).

The second case occurred in 1919 at the University of Saskatchewan (U of S). Horn (1999) argues that "few Canadian universities have ever been more racked by dissension than Saskatchewan in 1919" (p. 53). Essentially, the U of S was in a financial crisis and, in 1918, the faculty petitioned a salary increase. The Board insisted it maintain the option to either withhold increases or to grant larger increases based on recommendations from President Murray. The President's "right" to declare favoritism, and thus higher salaries, outraged many faculty members.

In March 1919, Samuel Greenway, the director of extension at the U of S, discussed this financial concern with the Saskatchewan Minister of Agriculture. When the President heard of this, he alleged that Greenway acted disloyally and threatened the University's autonomy by discussing University matters with outsiders. In the end, Greenway and three of his supporters were dismissed. Horn (1999) quotes the university council stating, "this University Council wishes to go on record as affirming its confidence [in] and loyalty to the President and resents any imputation of disloyalty or lack of confidence in the President or his conduct of the University" (p. 56). Academic freedom did not extend to the appearance of "disloyalty or lack of confidence in the President."

This ruling with a "firm hand" led to the eventual "pent-up ambition, frustration, and idealism among the faculty, almost all of whom had grown up afraid of or reluctant to challenge Murray" (Hayden, as cited in Horn, 1999, p. 60). This growing unrest played a large role in the political academic freedom events of the next two generations.

Falconer unofficially defined Canadian academic freedom in the early 1920s. He argued that academic freedom should allow academics to search for truth and to search for it without restrictions. Falconer, however, did issue one warning: academics should pursue truth inside the university, and should not partake in political action (Horn, 1999, Cameron, 1996, Abbott, 1984). This warning mimicked the German and American restrictions on academic freedom. In the next two generations, Falconer would have to defend his concept of academic freedom.

The Great Depression

For the academic freedom heroes in the 1930s, "the concept of academic freedom rooted in both individual liberty and in the medieval practice of dialectic implied that truth could be approached only where different beliefs, different theories, different manners of seeking truth are allowed to dispute each other" (Abbot, 1984, p. 108). Canadian professors were granted protection for teaching, research, and the search for truth as long as they did not appear disloyal to the President. The academic freedom question in the 1930s was "whether the historic liberty enjoyed by university teachers was also intended for the purpose of inspiring and directing radical change in the established order?" (Abbot, 1984, p. 108). Falconer believed that academic activity in the political realm threatened academic freedom, a view widely held in Canada before the Depression (Horn, 1999 and Abbott, 1984). The events of the 1930s changed this view.

> This change was closely connected to Frank Underhill's activities during the 1930s: [He] was so controversial precisely because he pushed the limits of academic freedom on two fronts simultaneously: publicly expressing controversial views on sensitive matters of public policy, and resisting the remonstrances his president, dean, department head and senior colleagues to restrain his behavior. (Cameron, 1996, p. 4)

Repeatedly, Underhill instigated academic freedom controversy.

His "rise" began in 1932 when he became a founding member of the League for Social Reconstruction. In 1935, the League published a report outlining principles for regulating social order. Underhill defended this work, believing that scholars must help define social goals and enter the political realm (Horn, 1999). He defended this view, clearly in opposition to Falconer, by stating:

> If professors at Toronto must keep their mouths shut in order to preserve the autonomy of the University then that autonomy is already lost. A freedom that cannot be exercised without the danger of disastrous consequences is not a real freedom at all. (Horn, as cited in Abbot, 1984, p. 110)

One of Underhill's academic freedom incidents will help solidify this new Canadian perspective on academic freedom. On the verge of the World War II, and with increasing ties to the United States, Underhill declared that, "we [Canadians] now have two loyalties—one to Britain and the other to North America. I venture to say it is the second, North America, that is going to be

supreme" (as cited in Abbott, 1984, p. 117). This statement sent shock waves through Canada and the Board of Governors held a meeting to discuss the controversial events. Underhill was given two options: resign or be dismissed. Surprisingly, Underhill chose neither and the Board never followed through with his dismissal.

Abbott (1984) speculated that Underhill was saved for political reasons. Although he had offended the country and many academics, Underhill had declared pro-American viewpoints, and the university might not have wanted to discipline a figure with such views, especially in light of the growing importance of the United States. Although the public was outraged by Underhill's positions, he and many of his supporters retained their academic positions during the 1930s. Societal threats and pressures did not result in an American-style purge of these academic agitators (Abbott, 1984). In fact, these agitators retained their positions, and redefined Canadian academic freedom.

In this way, Canada was quite different from the United States, which championed freedom in the university, but did not support political activities by academics. Canada, in the 1930s, refined its definition of academic freedom to include political freedom. This modification was attributed in part to Canada's links with Britain, where professors were allowed to participate in politics, a right protected by academic free speech, and in part to Underhill's academic retention after stating political views. Underhill trailblazed a distinctly Canadian definition of academic freedom that secured political freedom for academics inside and outside the university (Abbott, 1984).

The Cold War

In comparison to the frenzy and hysteria of the McCarthy era in the United States, Canada's activities were mild. Canada did not engage in the American "witch-hunts," but Horn (1999) cites that this did not imply a greater acceptance of communism in Canada. Instead, Horn contends that it merely reflected five major differences between the two societies. First, while Americans were upset with increased government power, Canada actually welcomed increased Canadian government involvement in the 1940s and 1950s. Second, Americans resented the financial burden of defense and foreign aid that was expected from them. Canada was not considered a world leader and, thus, the financial burden did not follow. Third, Americans were looking for someone to blame after the war, but Canada escaped this pull since it had not invested nearly the same amount of people or monies in the war effort. Fourth, Canada's campaign against the communists was quiet, never extending to university campuses. Finally, a large reason for the lack of witch-hunts in Canada, "was a lack of real or apprehended witches to be hunted" (p. 218).

Horn (1999) concluded that Canada's cautious attitude contributed to this mild era:

> [The] Cold War ... was partly responsible for the virtual absence of academic free speech controversies during the 1950s. Canadian professors have always been a cautious crew. At

> no time had more than a handful of them openly championed political or social cause, let alone those that were unorthodox. During the 1950s, though, the identifiably heretical were probably fewer in number than at any time since the First World War. (p. 219)

Yet again, Canada remained genteel, timid, and cautious.

The Infamous Crowe Case and CAUT

"The Crowe case stirred up the academic community in Canada to an unprecedented degree...[and was] a pivotal point in the history of the Canadian Association of University Professors (CAUT)" (Horn, 1999, p. 220). Cameron (1996) describes the Crowe case as, "mark(ing) Canada's loss of innocence with respect to academic freedom" (p. 4). Why was this case such a landmark event for Canada?

Before 1950, there was no Canadian equivalent to the AAUP in the United States. In 1951, the Canadian Association of University Teachers (CAUT) was formed, but initially their mandate was to address "bread-and-butter" issues (Horn, 1999, p. 222). It was not until the Crowe case that CAUT took a leap into the academic freedom mandate.

Harry Crowe was a professor at United College when, on 14 March 1958, he wrote "the most famous (or notorious) letter in Canadian history" (Horn, 1999, p. 224). This letter found its way to Principal Lockhart, who charged Crowe with being disloyal and disrespectful to the College. Crowe argued that "the question of [his] relationship to the College ha[d] arisen as a result of the unauthorized reading...by the Principal of a private letter" (as cited in Horn, 1999, p. 227). Crowe declared that he would take the matter to CAUT, and shortly after, United officially dismissed him. Although lacking an academic freedom mandate, investigation guidelines, or necessary funding, CAUT took on the Crowe case, and leaped into the academic freedom mandate (Horn, 1999).

The CAUT investigation headed by Fowke and Laskin had a bumpy beginning, but by November, it was under way. The committee relied on the AAUP's definitions and procedures for academic freedom, stating that it "ha[d] no intention of formulating...a complete statement of principles on academic freedom and tenure...the Committee prefer[ed] to regard those terms as involving a particular consideration of academic freedom and tenure in the context of a particular set of facts" (Canadian Association of University Teachers, 1958, p. 52). This statement helps explain why Canada's official definition of academic freedom was vague.

Fowke and Laskin's final report on the Crowe case detailed two important academic freedom issues. First, it determined that professorial academic freedom was at stake when boards retained too much dismissal power. Horn (1999) describes this "logical leap in thinking" of the committee to signal that Canadian professors could, from this point on, defer to the principle of academic freedom if they felt unjustly dismissed (p. 236). Secondly, the Report addressed Crowe's dismissal by stating:

> For a man to be discharged on the basis of an interpretation of his remarks...would create a situation fraught with peril for academic freedom. To find a discharge made in the face of a remonstrance by the teacher that he has been misunderstood, and without being afforded an opportunity of explanation, makes the offense against academic freedom grave indeed. (as cited in Horn, 1999, p.237)

Unfortunately, the board did not agree with CAUT and did not reinstate Crowe. Only after fourteen other professors resigned, and the threat of arbitration circulated, did the board finally reinstate Crowe. However, it refused to reinstate the protesters, and Crowe ended up resigning because United could not ensure academic freedom (Horn, 1999).

The Crowe event held public and academic interest during 1958 and 1959. It was a landmark case, not only for academic freedom, but also for redirecting the CAUT's mandate. Its role in the Crowe case provided a launch into the realm of academic freedom and tenure. Stewart Read was the CAUT's first secretary and he pledged that the CAUT's mission would be to governance, academic freedom, and tenure (Horn, 1999).

Although it took Canada far longer than the United States to create a governing body on academic freedom, the CAUT's presence was welcomed by Canadian academics. Unlike the AAUP, who had let down the American academics only years before, CAUT was young, fresh, and ready to take on future academic freedom challenges. There was hope that the CAUT would avoid certain academic freedom problems, having learned lessons from the AAUP's eventful history.

The Golden Age

The 1960s represented the "golden age" for academic communities (Horn, 1999, p. 246). Student numbers increased and money flowed from the government easily and with few apparent restrictions. There was also a nation-wide shortage of academics, which meant that professors had greater power in demanding, and receiving, increased salaries and benefits and could leave one university for another if academic freedom issues arose (Horn, 1999). The Crowe case, the CAUT's dedication to academic freedom, and the importance of higher education also helped explain why professors were less restricted in their academic freedom in the 1960s.

In 1959, the CAUT adopted the official Canadian definition of academic freedom. It also noted that universities operated "for the common good, and the common good depends upon the free search for truth and its free exposition" (as cited in Horn, 1999, p. 250). Therefore, academic freedom was necessary to secure the search for truth. In 1965, the CAUT expanded its definition of academic freedom to include the "right to criticize the university" and, in 1968, the first of many CAUT censures occurred (Horn, 1999, p. 309).

The CAUT had authorized a greater degree of academic freedom than its American counterpart. Restrictions for religious institutions and for political activity were not part of the

CAUT's definition of academic freedom. The freedom heroes of the previous generations had secured the academic freedoms that CAUT now codified (Horn, 1999).

During the early 1960s, academics pushed the defined limits of academic freedom because they could leave the university and easily find another position if they encountered trouble. This opportunity had never existed before in Canada (and would not again) and indirectly set the stage for freedom issues that would arise in the next few generations (Horn, 1999).

Tenure

Tenure did exist in Canada before the Crowe case, but its form was different. Tenure was "rooted in three ancient academic desires...intellectual independence, collective autonomy, and the time and financial security needed to carry on scholarly and scientific work" (Horn, 1999, p. 280). Canada's tenure system was pieced together from the American and British systems. Initially, Canada upheld the British model of tenure, where a professor is considered tenured for life as long he exhibits good behavior (Horn, 1999). In 1922, the decision by Justice Dysart involving the nature of professorial jobs—the long training period, the lack of transferability, and the small remuneration—led him to declare that professors' positions should have the stability of permanence. Interestingly, as Horn (1999) points out, Dysart's language during this trial mimicked that used in the AAUP's first report on academic freedom and tenure in 1915.

The AAUP had agreed that tenure would be secured, after a probationary period, and could only be rescinded if there was just cause. The need for this tenure definition had sprung from the United States' adoption of the German university model that valued the search for truth in teaching and research, and therefore needed tenure to protect academic freedom (Monohn, 1984). In 1922, with Justice Dysart's remarks, Canada's unofficial definition of tenure began to shift towards the United States' definition.

The Crowe case officially defined academic freedom and tenure in Canada. The Fowke-Laskin report on the Crowe case declared:

> That academic freedom and security of tenure are neither ends in themselves nor the exactions of special privilege but merely conditions for the performance of the purposes of higher education; that the search for truth which is the central purpose of the institutions of higher learning cannot prosper without freedom of inquiry and expression; and finally, that security of tenure is prerequisite to academic freedom. (as cited in Horn, 1999, p. 301)

CAUT declared that tenure was exercised to protect academic freedom, and would be granted only after a sufficient probationary period and rescinded only if there was just cause (Horn, 1999).

Cameron (1996) argued that during the 1960s, tenure was almost a right for every professor who had undergone a five-year probationary period. Unfortunately, in light of its "golden days", academia failed to realize that "substandard" teachers should not receive the privilege of

tenure, especially since tenure justified these individuals being in the institution for a very long time. Barring this oversight, tenure, according to Cameron (1996), "represented the final victory not only of academic freedom, but also of its handmaiden, academic self government, over autocratic administration and political interference" (p. 6). In the generations that followed, this victory of tenure victory would be seen in a different light.

Unionization and the End of the Golden Days

Before 1965, faculty unionization in Canada and the United States was viewed as anti-academic. Tudiver (1999) states that "organizing against the university was self-contradictory so long as professors saw themselves as essential to it" (p. 83). Boyd (1971) summarized the general position of academics on unionization: "The essence of the position is that collective bargaining is based upon an adversarial relationship between employer and employee that derives from industrial models inappropriate to a university" (p. 19).

Although faculty associations existed both in Canada and the United States, none had legal bargaining status until 1965. The largest faculty association in the United States, the AAUP, "resisted the notion that it resembled a trade union and should engage in strikes or collective bargaining" (Ladd & Lipsett, 1974, p. 5). Collective bargaining was never even mentioned in Canada's CAUT until 1971 (Tudiver, 1999). This resistance to trade unionization soon shifted to acceptance in the new reality of the late 1960s.

The plethora of money that had been previously available from the government quickly disappeared in the later half of the 1960s. In 1967, Prime Minister Pearson dropped a bomb on the universities: direct federal grants would stop the following year. The fall out from this bomb took a few years, but by 1970, the future of the universities was bleak. Money was lost, cutbacks occurred, academics were in surplus, and the public began to view the universities with hostility (Horn, 1999).

Financial and societal pressures were forcing American faculty to turn to unionization. Ladd and Lipset (1974) summarized four broad determinants of faculty unionization in the United States. First, an economic determinant, with a shift from a "boom" to "bust" economy, reductions in staff positions, and an increase on workload in universities; second, a structural determinant, with a virtual outbreak of large, public sector multiversities, and reduced relationships between faculty and administration; third, a legal determinant, where legislation was passed in 1962 allowing public employees to unionize; and fourth, the events of the sixties created a militant culture. Research cited in Hughes, Underbrink, and Gordon (1973) and in Kemerer and Baldridge (1975) conquer with these broad determinants of American unionization.

North of the border, Canada had a similar set of determinants. Tudiver (1999) cites a 1971 study by Adell and Carter that indicates "a deteriorating job market, declining employment security,

increased control of university affairs by government, worsening relations between faculty and administration, and more wide-spread collective bargaining on campuses in other countries" (p. 94). American faculty unionization influenced Canada's acceptance of unionization.

"The nature of tenure and job security, [and the] protection for academic freedom...in a changing and deteriorating job market has major implications for the academic profession...The union movement...is one response to this crisis" (Altbach, 1980, p. 8). This new reality led the CAUT to establish its first collective bargaining committee in 1971. By 1973, after the first student enrollment drop in over two decades, universities all over Canada were unionizing (Horn, 1999).

Although there were (and are) many detriments to faculty unionization (Tudiver, 1999; Ladd & Lipset, 1974; Hughes, Underbrink & Gordon, 1973; Kemerer & Bladridge, 1975), unionization attempted to secure traditional concepts of academic freedom and tenure. A landmark case in the United States, at the University of Hawaii, indicated that faculty union members would not compromise tenure to achieve a collective agreement. In 1973, the members adamantly *opposed* a contract that, among other things, infringed on tenure (Kemerer & Bladridge, 1975).

The CAUT was pro-faculty unionization, believing that collective agreements could secure academic freedom and tenure. CAUT contended that unionization could be a complement to traditional views of academic freedom and tenure, and that no negative restrictions were explicitly created with unionization. Although some academics did not agree, arguing that "the move from academic senates to collective bargaining backed by the strike [was] a move to the marketplace" (Kadish, 1969, p. 35), CAUT maintained its position (Horn, 1999).

The entrenchment of academic freedom and tenure in collective agreements should have encouraged academics to embrace the search for truth and to fearlessly attempt research in bold areas. As Horn (1999) points out, although this was true for some Canadians, "on the whole...Canadian academics continued to be a timid crew" (p. 326). In some strange way, the author of this report is comforted by the fact that from Confederation to present day at least one Canadian characteristic has remained stable. It is unfortunate, for the Canadian culture and for the search for truth, that this characteristic was timidity.

Threats to Academic Freedom After 1965

There are many current threats to the definition of academic freedom. How these threats will modify the definition of academic freedom is yet to be seen. The threat from tenure, unionization, political correctness, and private sector involvement will be discussed below. This list is not exhaustive and indicates only a glimpse at the pressures on academic freedom.

Tenure

According to Monahan (1984), arguments for abolishing the tenure system are increasing. Critics want to create an institution that is more flexible and more rigorous in its promotion strategies. Monahan rebuts many of the critics' proposals, not because they are untrue, but because they do not justify the elimination of tenure. For example, the fact that many professors are not pushing the limits of their research does not justify removal of tenure. Monahan acknowledges the financial constraint tenure creates for faculty and suggests certain "schemes" for helping decrease the financial pressure.

In the United States, the Carnegie Commission, in 1972, also recommended that universities employ more part-time staff members to increase its "flexibility" (Abel, 1983, p. 124). This declaration was quickly followed by a dramatic rise in part-time employment. Part-time staff are now crying for job security and academic freedom. Abel (1983) notes that "only 15 percent of part timers are even eligible for tenure" and many positions are contingent on enrollment (p. 126).

As academic freedom is essential for the search for truth, and protection of academic freedom is granted by tenure, it would appear that universities are in a precarious situation. How can they achieve greater flexibility while upholding the fundamental duty of academia? If part-time and untenured academics cannot be protected from sanctions, then the search for truth will suffer.

Cameron (1996) argues that tenure has been reduced to mere job security. Lewis (1980) acknowledges this criticism: "Opponents of tenure argue that it fosters mediocrity because it makes individuals complacent, indifferent, indolent, inefficient, neglectful, and unproductive" (p. 87). Cameron (1996) argues that the university's unwillingness dismiss faculty when just cause has been determined has eroded the concept of tenure to mere job security. He describes the situation as follows:

> Weak management in universities is a problem, because it has reduced the capacity of universities to demonstrate that the protection of academic freedom actually carries with it a reciprocal commitment by the scholar to seek and speak only the truth, as fully and as vigorously as scholarship can reveal. (p. 7)

Monahan (1984) agrees, advocating that universities must dedicate themselves to ensuring that tenure is used responsibly for academic freedom protection. If universities cannot or will not do this, then Canadians will surely lose the tenure system.

Will tenure continue to exist in modern universities? How will the definition of tenure be modified to include academic freedom and protection to non-full-time academics? What is needed to convince administrators to uphold the sanctity of tenure by implementing dismissals based on just cause? How can universities ensure that tenure protects academic freedom instead of job security? Movement through the next few generations may answer these questions.

Unions

Cameron (1996) argues that the tenure situation described above was made worse by the introduction of unions. The rapid embrace of faculty unions in the late 1960s and early 1970s did not validate the CAUT's assumption that unions did not threaten academic freedom. Entrenching tenure in collective agreements, the critics uphold, has reduced it to a mere seniority system honoring job security (Horn, 1999).

Fundamental aspects of unionization oppose academic freedom. Cameron (1996) argues that although some aspects of unionization do not appear to infringe on academic freedom, other aspects like "full-blown unionization, collective bargaining, and the right to strike do stand in potential conflict with the principles upon which academic freedom has come to rest" (p. 7). The strike weapon, Cameron continues, takes the fundamental duty of academics, the "unremitting search for truth" (p. 7), and reduces it to a conditional responsibility. Refusing to teach over wages and working conditions, he argues, is not the same as refusing to teach over the fundamental principle of academic freedom. Cameron also argues that, "the absence of regular performance reviews and performance based reward systems makes it more difficult to confirm that the trust embodied in the principle of academic freedom is vested in responsible hands" (p. 7). Kemerer and Baldridge (1975) agree.

Boyd (1971) states one final concern for academic freedom and unionization. A shift to including curriculum negotiations in bargaining sessions seriously threatens academic freedom. Professors may lose their freedom to teach certain subjects and to use certain teaching styles. This danger was made a reality in Michigan in the 1970s.

Will unionization destroy academic freedom and tenure? What safeguards can universities implement to ensure that collective bargaining increases, rather than decreases, academic freedom rights? What protection do students have against the strike weapon used by academics to win greater salaries not greater academic freedom? The effect of unionization on academic freedom may be discovered during the following generations.

Political Correctness

Although the concept of political correctness (PC) has been around since the 1960s, reports on how PC threatened academic freedom did not emerge until the 1990s (Horn, 1999). Advocates of PC want to eradicate all racist, sexist, and homophobic language and practices from academia. Some scholars and interest groups view academic freedom as "androcentric, eurocentric, and heterocentric" and advocate for a new reality for teaching and research where professors "communicate respect, sensitivity, understanding, and tolerance...along with the intellectual content. These qualities, in the context of civility, are essential features of community"

(as cited in Horn, 1999, p. 329). Others argue that certain research, by its sexist or racist nature, infringes on academic freedom and should be restricted (Horn, 1999).

Opponents of PC in academia, including Kimura (1993), cite the "persecution and harassment" of professors in class as a loss of academic freedom in teaching and research. Many professors, fearing PC, have voluntarily censored their material inside and outside the classroom. Other academics, including Gruhn (1993), state that the establishment of Women's Studies programs is an assault on academic freedom. No other ideology, Gruhn argues, has seen its own department, because they are innately political and threaten academic freedom (Gruhn, 1993).

Other opponents of PC, including D'Souza (1993), address the issue of discrimination. Institutions fight discrimination by instituting it, by agreeing to hire certain groups and not others. Cameron (1996) agrees and states that affirmative action invokes competition between two fundamental concepts: "The commitment to the unremitting search for truth through scholarship, and a social responsibility to ensure that the faculty of publicly funded universities are broadly represented" (p. 9). Shils (1993) argues that universities, "having broken down first in the face of the policies of affirmative action of the federal government" are now bending to the pressures of other politically correct interest groups.

Hodgkinson (1993) states that penalties for political incorrectness, including ostracism, exclusion from power circles, censorship, and denial of research monies, are already severe. The "traditional safeguards such as tenure and its procedures for establishing dismissal seem irrelevant to the protection of academic freedom from politically motivated and personally directed harassment" (Cameron, 1996, p.10).

Zero-tolerance

An extension of the PC threat is the notion of "zero-tolerance" towards harassment. Horn (1999) reports that, in 1993, the Ontario Ministry of Education and Training issued a policy statement, publicly re-titled the "Zero-Tolerance document." This document declared that harassment in any form would not be tolerated, and defined harassment as anything that is "known or might reasonably be known to be offensive, hostile, and inappropriate" in the areas of "gender, race, ethnic or religious origin, sexual preference, or disability" (as cited in Horn, 1999, p. 331). Although Ontario universities did not adopt this report (on the grounds that academic freedom would be infringed), many of the definitions and attitudes have been adopted in speech and harassment policies in universities throughout Canada.

PC case at the University of British Columbia

The 1990s saw one of the most public Canadian PC cases. In 1992, Faculty of Graduate Studies (FOGS) students issued a complaint of racism and sexism against the Department of

Political Science at the University of British Columbia. Marchak (1996) was Dean of Arts during this period at UBC and recounted the events in her book, Racism, Sexism, and the University.

The complexity of the charges led UBC to assign an external investigator, McEwen, to the case. McEwen's report sparked intense controversy. Only days after the report was released, the President of UBC adopted McEwen's recommendations, dismissed the accused professors, and suspended admissions to the Political Science graduate program pending further review. The President did not allow input from other UBC academics, and in light of the increasing number of flaws found in the McEwen report, "there ensued a prolonged and bitter nationwide debate about racism, sexism, and what some of the Report's critics called McCarthyism in Canadian universities" (Marchak, 1996, p. 3).

Academic freedom was at the heart of this debate. "It was...inevitable that the arguments linking racism and sexism to classroom behavior and the curriculum clashed with the tradition of academic freedom" (p. 8). The tradition of academic freedom, Marchak continues, rests on the principle that many voices need to debate a topic so the authentic search for truth can continue. Unfortunately, advocates of PC seek to establish a new reality at the universities, and this new reality "threatens to exclude any and all who might challenge or question its adherents' beliefs" and thus threatens academic freedom (Resnick, as cited in Marchak, 1996, p. 26).

CAUT condemned UBC for relying solely on the McEwen report and for disregarding the very principle of academic due process. The debate continued to heighten with further allegations. In October 1995, a senate meeting was held to review the McEwen case. All "sides" had prepared their cases, including the President's Office, The Department of Political Science, the Graduate Student Society, and twenty-nine graduate students. Marchak argues that it was the report by the graduate students that finally compelled the Dean of FOGS to reverse his compliance to the suspension of admission to the graduate Political Science program. The students had urged the University to reverse its decision because the suspension was "a 'punishment' that affected not only faculty but students" (p. 124). The suspension mocked the pluralistic community that the University was supposed to foster (Marchak, 1996).

As Marchak eloquently concludes, in eras past, academic freedom proponents would have been on the same "side" as the various interest groups in society. Now, "those who defend academic freedom find themselves in conflict with [the following] opponents: feminists, representatives of diverse ethnic groups, and various minority organizations" (p. 152). The political science event revealed the problem that "universities are no longer sure what they are about and can no longer defend with assurance the Western tradition of scholarship" (p. 155). Marchak argues that universities must still pursue truth even in light of biases that exist: "Human brains may never achieve sufficient insight to escape the biases of gender, ethnicity, class, religion, and

fashion, but it is worth trying to do" (p. 163) because "ultimately there is only one distinguishing feature of a university compared with any other institution...seek[ing] truth" (p. 164).

Private Sector Investments

The new reality for universities after 1965 included a decrease in government funding and an increase in private sector monies. Tudiver (1999) indicates that "universities are putting aside traditional barriers to private sector entry" in light of government cutbacks (p. 171). Loss of these barriers "threatens us with societal stagnation" (p. 171). Government has supported private sector investment in universities because Canada is not a strong corporate research centre like the US. Unfortunately, private investment in research threatens academic freedom for professors.

The effect of corporate money in the university is potentially dangerous. Corporations have a personal stake in *profitable research*, which will undoubtedly affect non-profitable research areas. Where will these departments find money? As corporations invest more heavily in universities, free inquiry is restricted. Will academics undertake critical research into industries that are supporting their university? Will academic freedom protect them if they do or will administration impose sanctions on such research because it might threaten funding? How free will academics be in pursuing research for the search for truth instead of for the search for profits?

Many academic opponents of private sector investment fear that "becoming commercial undermines their independence, transforming their occupation from knowledge worker to employee in a research and teaching factory" (Tudiver, 1999, p. 172). As private sector investment continues to increase, the threat to academic freedom grows.

Accountability Mandates

Responsibility and accountability for academic functions have traditionally been blended amongst a number of internal stakeholders "blurring the locus of responsibility and thus of accountability of obligations" (Trow, 1998, p. 21). As government and state have increasingly tied funding to assessment initiatives, external and internal accountability measures are appearing in many universities around the world. Governments have looked to the successes of business and industry and have introduced such concepts as Totally Quality Management (TQM), Continuous Quality Management (CQM), benchmarking, and key performance indicators to the academy. The academy is now struggling to maintain fundamental aspects of academic culture, like academic freedom, while complying with accountability mandates.

Performance indicators (PIs) are the most recent accountability measure to infiltrate the academy. PIs are closely linked to a managerial culture, not an academic culture, and allow greater external control of internal academic affairs. This control extends from the highest administrative post to the multitude of departmental operations on campus: "criteria such as 'efficiency,' 'productivity,' and 'accountability' are becoming embedded in the routine day-to-day

decision-making that takes place in the 'local' units throughout the university" (Newson, 1998, p. 113). Unfortunately, few have stepped back to analyze or hypothesize the impacts these changes are having on the academy, both in the short-term and the long-term.

Academic freedom is one of the most important and fundamental aspects of the academy. It preserves the search for truth and protects this search in any capacity. The implementation of assessment and accountability initiatives comes into direct competition with academic freedom. This competition breeds conflict and fear among many academics, especially those who valiantly believe in the necessity of academic freedom. As external stakeholders gain greater control of the academy and as external demands infiltrate the curriculum, academics have many reasons to worry that they will lose academic freedom. At the very least, they have reason to worry that external stakeholders will disregard the importance of academic freedom like they disregarded the trust they has at one time extended to the academy.

Conclusion

History has revealed that the concept of academic freedom is modified and refined as it journeys through each generation. It is interesting that a concept rooted so deeply at the heart of academia—the unrestricted search for truth—has never been completely defined. Each generation fought for different pieces of the academic freedom puzzle, from religious freedom, to political freedom, to cultural freedom, and it is only by looking back over history that we can finally understand what academic freedom truly defends. Academic freedom heroes in each generation were not considered heroes initially; only by looking back over the generations can we now appreciate their academic freedom victories and define them as heroes.

Horn's (1999) statement that Canadian academics are timid should not discourage readers. Instead, this statement should help inspire those of us secretly wanting to embrace more fully the search for truth. Who among this generation will become our next academic freedom heroes? The current threats to academic freedom have created an opportunity for many would-be heroes. As Canadians wrestle with issues of tenure, unionization, political correctness, private sector investment, accountability mandates and a multitude of other threats, the most radical advocates of academic freedom in each area will appear. Academics should not forget their academic duty to search for truth and must make a conscious effort not to fall victim to the sways of public sentiment. Academic freedom was fought, and won, so academics can be free from public sanctions.

The definition of academic freedom has been evolving for thousands of years. It is by its nature elusive and yet tangible, shadowed and yet clear, transforming and yet stable. Only movement through the next generation will determine how academic freedom will evolve and become more clarified.

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